

Amendments to the Drawings:

Figure 1B has been amended such that reference numerals 176 indicate 'grommets' and reference numerals 175 indicate 'brackets.' A superfluous rectangle to the right side of pipes 185 was also removed to better accommodate reference numeral 175.

REMARKS/ARGUMENTS

This responds to the office action mailed on August 11, 2004. Claims 1-21 are pending in the present application. Claims 1-21 are rejected. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

The abstract was amended to better conform to the claims.

Paragraph 0036 was also amended to correct reference numeral 180, which in some cases referred to “pipes.” The pipes are properly referenced by reference numeral 185 while reference numeral 180 properly references the duct, as supported by the remainder of paragraph 0036 and FIG. 1B.

The Objection to the Drawings

The drawings are objected to by the Examiner for failing to show every feature of the invention specified in the claims. The Examiner maintains that the “grommet” feature of claims 6 and 13 must be shown or cancelled from the claims.

Applicant has amended FIG. 1B to redirect reference numeral 175 to better indicate the bracket, while reference numeral 176 has been added to indicate the grommet. Corresponding description was added to paragraph 0036 of the specification. Support for the amendment may be found in FIG. 1B as originally filed (illustrating two grommets on each bracket), and by FIGS. 12-15 and 17-21. Additionally, paragraph 0048 line 5 supports the amendment of paragraph 0036.

Claim Objections

Claim 1 is objected to because line 3 contains “a arm” which should be changed to “an arm.” Claim 1 has been cancelled.

The 35 U.S.C. §102(b) Rejections

The Examiner rejected claims 1-5, 7-12, and 14-17 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,142,405 to Black (Black).

Claims 1-21 have been cancelled. New claims 22-38 have been added.

The test for anticipation is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Also, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP 2131.

New claim 22 recites:

A mounting bracket comprising:
a generally rectangular, flat body having an outside edge, a front and a back;
a first support guide for a first pipe positioned proximate to and within the boundary of the outside edge, , the first support guide comprising a substantially complete enclosure;
a handle formed within the boundary of and proximate to the outside edge of the body, for lifting the mounting bracket; and
a base coupled to and extending outwardly from the outside edge of the body and configured to attach to a platform, the base further configured to provide support to the body.

Black discloses an extension cord storage and dispensing system (Abstract). Black fails to disclose a generally rectangular, flat body. Rather, the extension cord storage system of Black has arms 50 and support legs 22 that protrude out from a frame 32, giving the extension cord

storage system 10 a non-rectangular shape, as illustrated in Figures 1-4. Black fails to anticipate claim 22.

Claim 37 is a method claim for using the mounting bracket of claim 22. U.S. Patent No. 4,123,012 to Hough (Hough) discloses a method of securing a cord holder for extension cords. Hough fails to anticipate claim 37 because Hough does not describe a mounting bracket according to claim 22. Therefore, claim 37 is patentable. Claim 38 depends from claim 37 and is therefore also in condition for allowance.

The 35 U.S.C. §103(a) Rejections

Claims 1-3, 6, 9, 10, and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,541,602 to Potzas (Potzas) in view of U.S. Patent No. 2,534,690 to Young, Jr. et al. (Young). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. MPEP § 2142.

Potzas discloses a pipe clip illustrated in cross-section in the drawing and described in the specification, from a plan-view, as rectangular (col. 2, lines 44-46). Potzas therefore fails to teach or suggest “a generally rectangular, flat body,” as recited in claim 22.

Young discloses a means for mounting tenuous members such as wires, rods, tubes, etc. (col. 1, lines 1-2) and also fails to teach or suggest “a generally rectangular, flat body,” as recited in claim 22. Neither Young nor Potzas, either alone or in combination, teach or suggest claim 22.

If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

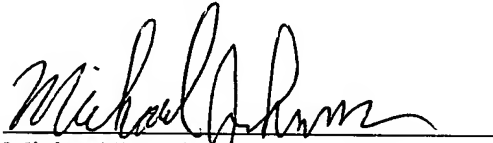
Claims 23-36 are therefore allowable over the cited reference. Although differing from claim 22, independent claims 31 and 32 are allowable for the same reasoning as claim 22.

Claims 23-30 depend from claim 22 and claims 33-36 depend from claim 32 and are therefore allowable. Accordingly Applicant respectfully requests reconsideration and allowance of claims 22-38 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

A handwritten signature in black ink, appearing to read "Michael R. Johnson", is written over a horizontal line.

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November 10, 2004
Date